

TODD RICHARDSON SMITH §
v. § CIVIL ACTION NO. 9:09cv24
DIRECTOR, TDCJ-CID §

Smith was charged with the disciplinary offense of refusing to provide a urine sample. The Magistrate Judge ordered the Respondent to answer the petition and Smith filed a response to the answer. After a review of the records and pleadings, the Magistrate Judge issued a Report on April 12, 2010, recommending that the petition be dismissed and that Smith be denied a certificate of appealability *sua sponte*. Smith received a copy of this Report on April 20, 2010, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge dated April 12, 2010 (docket no. 15) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Todd Smith is hereby DENIED a certificate of appealability *sua sponte*. Alexander v. Johnson, 211 F.3d 895, 898 (5th Cir. 2000). Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby DENIED.

So **ORDERED** and **SIGNED** this **3** day of **June, 2010**.



Ron Clark, United States District Judge